

UNPUBLISHED

**UNITED STATES COURT OF APPEALS**  
**FOR THE FOURTH CIRCUIT**

AMELIA SIBUG MACASPAC,

*Petitioner,*

v.

U.S. IMMIGRATION & NATURALIZATION  
SERVICE; JOHN ASHCROFT, Attorney  
General,

*Respondents.*

No. 02-1699

On Petition for Review of an Order of the  
Board of Immigration Appeals.  
(A72-513-082)

Submitted: October 15, 2002

Decided: October 29, 2002

Before MICHAEL and KING, Circuit Judges, and  
HAMILTON, Senior Circuit Judge.

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Affirmed by unpublished per curiam opinion.

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**COUNSEL**

Amelia Sibug Macaspac, Petitioner Pro Se. George W. Maugans, IMMIGRATION AND NATURALIZATION SERVICE, Baltimore, Maryland; Allen Warren Hausman, Assistant Director, Emily Anne Radford, Blair Timothy O'Connor, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C., for Respondents.

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Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

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### OPINION

#### PER CURIAM:

Amelia Sibug Macaspac, a native and citizen of the Philippines, petitions for review of an order of the Board of Immigration Appeals (Board) affirming the Immigration Judge's decision to deny her motion to reopen removal proceedings. Macaspac first contends that counsel was ineffective in failing to file an updated asylum application on her behalf by the deadline established by the Immigration Court. Because Macaspac failed to exhaust administrative remedies by raising this claim before the Board, we find that we are without jurisdiction to consider it in the context of this appeal. *See Stewart v. INS*, 181 F.3d 587, 596 (4th Cir. 1999); *Bernal-Vallejo v. INS*, 195 F.3d 56, 64 (1st Cir. 1999); *Farrokhi v. INS*, 900 F.2d 697, 700 (4th Cir. 1990).

Macaspac next asserts that the Board, in affirming the IJ, abused its discretion in declining to grant the motion to reopen due to Macaspac's failure to demonstrate prima facie eligibility for asylum. We have reviewed the administrative record and conclude that this finding does not amount to an abuse of discretion. *M.A. v. INS*, 899 F.2d 304, 308 (4th Cir. 1990) (en banc); *see* 8 C.F.R. § 3.2(a) (2002).

We accordingly affirm the Board's order. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

*AFFIRMED*